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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
HOFFMAN, BRANDON S	
ART UNIT	PAPER NUMBER
2136	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/632,250	PIRICH ET AL.	
	Examiner	Art Unit	
	BRANDON S. HOFFMAN	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 December 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29 and 31-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29 and 31-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-29 and 31-35 are pending in this action.

2. Applicant's arguments, filed December 12, 2007, have been fully considered but they are not persuasive.

Claim Rejections

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

4. Claims 1-29 and 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitten et al. (U.S. Patent Pub. No. 2003/0182574) in view of Kocher et al. (U.S. Patent No. 2002/0141582).

Regarding claims 1, 25, and 28, Whitten et al. teaches an apparatus/method comprising:

- A media including game content (paragraph 0027); and
- A data protection portion that includes:
    - A file alteration checking portion which protects the media from modification of the game content by determining whether the game

content has been modified, and if the game content has been modified, then the installation of the game content within the apparatus fails (fig. 5 and fig. 6, ref. num 445).

Whitten et al. does not teach a media type checker.

Kocher et al. teaches a media type checking portion for checking whether the media is as expected for an original media that has not been copied by reading a media type used flag from an executable located on the media, wherein the media type used flag indicates a type of media that the executable should be contained within, and if the type of media of the executable is not as expected, then installation of the game content within the apparatus fails (paragraph 0057).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine a media type checker, as taught by Kocher et al., with the apparatus/method of Whitten et al. It would have been obvious for such modifications because checking the media type provides an additional layer of security to prevent duplicating of content (see paragraph 0057 of Kocher et al.).

Regarding claim 2, Whitten et al. as modified by Kocher et al. teaches wherein the game content includes music that can be played on the game console (see paragraph 0032 of Whitten et al.).

Regarding claim 3, Whitten et al. as modified by Kocher et al. teaches wherein the game content includes audio that can be played on the game console (see paragraph 0035 of Whitten et al.).

Regarding claim 4, Whitten et al. as modified by Kocher et al. teaches wherein the game content includes non-game related material that can be played on the game console (see paragraph 0032-0035 of Whitten et al.).

Regarding claim 5, Whitten et al. as modified by Kocher et al. teaches wherein the game content includes game related material that can be played on the game console (see paragraph 0027 of Whitten et al.).

Regarding claims 6 and 21, Whitten et al. as modified by Kocher et al. teaches wherein the media includes a removable media that is removable from the apparatus (see fig. 2, ref. num 200 of Kocher et al.).

Regarding claim 7, Whitten et al. as modified by Kocher et al. teaches wherein the media includes a removable media that is removable from the apparatus, and wherein the removable media includes an optical disk (see fig. 2, ref. num 200 of Kocher et al.).

Regarding claim 8, Whitten et al. as modified by Kocher et al. teaches wherein the media includes a removable media that is removable from the apparatus, wherein the removable media includes a digital video disk (see paragraph 0005 of Kocher et al.).

Regarding claims 9 and 22, Whitten et al. as modified by Kocher et al. teaches wherein the apparatus includes a game console (see fig. 2, ref. num 100 of Whitten et al.).

Regarding claim 10, Whitten et al. as modified by Kocher et al. teaches wherein the media type **used** flag also indicates whether a media type check should be performed (see paragraph 0057 of Kocher et al.).

Regarding claim 11, Whitten et al. as modified by Kocher et al. teaches wherein the media type checking portion reduces the possibility of copying the game content from a pressed disk to an end user writable disk by indicating when the pressed disk is an appropriate type (see paragraph 0057 of Kocher et al.).

Regarding claim 12, Whitten et al. as modified by Kocher et al. teaches wherein the data protection portion checks the entire file to ensure that the media has not been invalidated (see paragraph 0057-0059 of Whitten et al.).

Regarding claim 13, Whitten et al. as modified by Kocher et al. teaches wherein the data protection portion includes a file signature checking portion for checking whether the file signature is as expected for media that has not been modified (see paragraph 0093 of Kocher et al. and paragraph 0060 and 0064 of Whitten et al.).

Regarding claims 14 and 24, Whitten et al. as modified by Kocher et al. teaches wherein the data protection portion includes a file signature checking portion for checking whether the file signature is as expected for media that has not been modified, and wherein a signature check is performed on files as they are installed, to determine whether any of the files have been altered (see paragraph 0093 of Kocher et al. and paragraph 0060 and 0064 of Whitten et al.).

Regarding claim 15, Whitten et al. as modified by Kocher et al. teaches wherein the data protection portion checks the contents of a file as it is opened (see paragraph 0063 of Whitten et al.).

Regarding claim 16, Whitten et al. as modified by Kocher et al. teaches wherein the file alteration checking portion allows sector level validation rather than file level validation (see paragraph 0062-0063 of Whitten et al.).

Regarding claims 17 and 27, Whitten et al. as modified by Kocher et al. teaches wherein the game content is stored in a game console specific format (see paragraph 0025 and 0027 of Whitten et al.).

Regarding claims 18 and 26, Whitten et al. as modified by Kocher et al. teaches wherein the media content includes non-game content (see paragraph 0032-0035 of Whitten et al.).

Regarding claims 19 and 23, Whitten et al. as modified by Kocher et al. teaches wherein the media content includes non-game content, and wherein the non-game content is stored in a non-game console specific format (see paragraph 0032-0035 of Whitten et al.).

Regarding claims 20 and 29, Whitten et al. teaches a method/computer readable storage media comprising:

- Comparing an actual signature of a table of contents from a media with an expected signature of the table of contents to determine whether contents of the file have been altered (fig. 5 and fig. 6, ref. num 445);
- Calculating an actual signature based on reading clusters of data from the media, and comparing the actual signature with an expected signature found in the table of contents for every cluster of data read to determine whether contents of the file have been altered (fig. 7, ref. num 452); and

- Installing the file when both the actual signature of the table of contents from the media matches the expected signature of the table of contents, and the actual signature which was calculated matches the expected signature found in the table of contents for every cluster of data read (fig. 6, ref. num 448).

Whitten et al. does not teach a media type checker.

Kocher et al. teaches checking whether a type of media containing a file is as expected for media that has not been copied by reading a media type used flag from an executable located on the media, wherein the media type used flag indicates a type of media that the executable should be contained within if the media is original, and if the type of media of the executable is not as expected, then installation of the file fails, and if the media type of the executable is as expected (paragraph 0057).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine a media type checker, as taught by Kocher et al., with the method/computer readable media of Whitten et al. It would have been obvious for such modifications because checking the media type provides an additional layer of security to prevent duplicating of content (see paragraph 0057 of Kocher et al.).

Regarding claim 31, Whitten et al. teaches a method comprising:

- Locating an expected control data signature from a standard executable;

- Locating control data from a standard executable and computing a computed control data signature in response to the control data;
- Determining whether the computed control data signature matches the expected control data signature (fig. 5 and fig. 6, ref. num 445);
- Reading expected file data block signatures from the control data;
- Loading a file data block, and computing a computed file data block signature in response to the file data block; and
- Determining whether the computed file data block signature matches the expected file data block signature (fig. 7, ref. num 452).

Whitten et al. does not teach a media type checker.

Kocher et al. teaches locating a standard executable on a media, wherein the standard executable includes a media type used flag which indicates a type of media that the executable should be contained within and determining whether the media type indicated in the executable match that of the media (paragraph 0057).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine a media type checker, as taught by Kocher et al., with the method of Whitten et al. It would have been obvious for such modifications because checking the media type provides an additional layer of security to prevent duplicating of content (see paragraph 0057 of Kocher et al.).

Regarding claim 32, Whitten et al. as modified by Kocher et al. teaches further comprising failing to install game content in a game console if the computed control data signature does not match the expected control data signature (see paragraph 0062 of Whitten et al.).

Regarding claim 33, Whitten et al. as modified by Kocher et al. teaches further comprising failing to install game content in a game console if the computed file data block signature does not match the file data block signature (see paragraph 0062 of Whitten et al.).

Regarding claim 34, Whitten et al. as modified by Kocher et al. teaches further comprising launching the game content in a game console if the computed control data signature matches the expected control data signature (see paragraph 0064 of Whitten et al.).

Regarding claim 35, Whitten et al. as modified by Kocher et al. teaches further comprising launching the game content in a game console if the computed file data block signature matches the expected file data block signature (see paragraph 0064 of Whitten et al.).

Response to Arguments

5. Applicant argues:

a. The combination of references fails to teach a media type checking portion for checking whether the media is as expected for an original media that has not been copied by reading a media type used flag from an executable located on the media (page 14-16).

b. The combination of references does not teach comparing an actual signature of a TOC with an expected signature of TOC from the media (page 20-21).

Regarding argument (a), examiner disagrees. The cited portion of Kocher et al. says that players with Internet can go online and verify the media type identifier. This is not an absolute way for checking, as is only possible when Internet is available for the player. If there is not online connectivity from the player, the media type identifier must be able to prevent copying of the data, as suggested in paragraph 0057.

Regarding argument (b), examiner disagrees. Paragraph 0056 of Whitten et al. teaches that the header is loaded and a digest is decrypted and compared to a computed digest. The header in Whitten et al. is analogous to a table of contents because the header includes a digest of each section of the software and information specifying a region, a rating, and media type of the software (abstract).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDON S. HOFFMAN whose telephone number is (571)272-3863. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brandon S Hoffman/
Examiner, Art Unit 2136

/Nasser G Moazzami/
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